REMARKS

The Office Action dated October 23, 2009 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

In accordance with the foregoing, claims 22, 28, 29-33, 36, 39, 44-48 have been amended to more particularly point out and distinctly claim the subject matter of the invention. Claims 49-52 have been cancelled, without prejudice or disclaimer. No new matter is being presented, and approval and entry are respectfully requested.

Claims 22-33, 36-37, and 39-48 are pending and under consideration.

REJECTIONS UNDER 35 U.S.C. § 112:

The Office Action rejected claim 44 under 35 U.S.C. §112, first paragraph, for allegedly failing to comply with the written description requirement. The Office Action alleged that "[t]here is no support in the specification for a computer program embodied on a computer readable medium. The computer readable medium must be positively disclosed in the specification as having statutory examples of the medium." It appears that the Office Action submits that non-statutory embodiments of a medium, such as a signal, are included in the claim scope. To further clarify the scope of claim 44, this claim has been further amended to recite a computer readable "storage" medium, which excludes transient, short-lived media such as propagating signals.

Furthermore, the Office Action also appears to submit the specification does not support a computer-readable medium. However, this is not the case and, therefore, Applicant traverses such submission. The Office Action alleged on page 6 that a computer readable medium is not "empirically defined" in the specification. However, this is not the standard for a written description rejection under 35 U.S.C. § 112, first paragraph. Rather, the MPEP merely requires that the specification provide support through express, implicit, or inherent disclosure (see MPEP § 2163(I)(B)). In the present case, the specification discusses in numerous places (such as Fig. 4 and page 13, lines 16-20) that a database is used to store certain information. This database is clearly a computer-readable storage medium. Further, it is commonly known and understood that physical hardware devices such as MSCs, IWUs and BSCs contain computer readable media that store software. Without such functionality, hardware-only versions of these devices would be limited, expensive, unconfigurable and not updatable, and would likely be quickly trounced in the market.

Further, the Office Action's allegation that a person of ordinary skill in the art would not understand that computer readable media are within the scope of the present application creates two person of ordinary skill in the art standards that are not compatible. The Office Action alleged on pages 3-6 that a person of ordinary skill in the art would be sophisticated enough to apply Lintulampi to allegedly arrive at the features of the claimed invention. However, a person of ordinary skill in the art who is sophisticated enough to understand and apply Lintulampi would almost certainly

appreciate that a computer readable medium is included within the scope of the specification's discussion of a database, MSCs, IWUs and BSCs. Thus, the art-based rejections and the written description rejection under 35 U.S.C. § 112, first paragraph, are antithetical to one another with respect to the person of ordinary skill in the art standard. A single, uniform person of ordinary skill in the art standard must be applied throughout the Office Action.

Accordingly, Applicant respectfully requests that the art-based rejections, the written description rejection, or both, must be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 102:

The Office Action rejected claims 22-33, 36, 37 and 39-52 under 35 U.S.C. § 102(b) as allegedly being anticipated by Lintulampi (WO 98/59513). The Office Action took the position that Lintulampi discloses all of the elements of the claims. This rejection is respectfully traversed for at least the following reasons.

As a preliminary matter, Applicant notes that while claims 47 and 48 were included in the heading of the rejection, they were not discussed in the body thereof. However, the claims were included in the next rejection under 35 U.S.C. § 103.

Claim 22, upon which claims 23-33, 36-37, 45, 47, and 49 are dependent, recites a method, including detecting a request for specific service for a radio transceiver device, wherein the radio transceiver device is configured to operate with a first radio access network and a second radio access network and the radio transceiver device is attached to

the first radio access network, and accessing information on conditions for the first radio access network and the second radio access network to provide sufficient support for a specific service requested by the request for the specific service. The method also includes analyzing whether the first radio access network and the second radio access network meet the conditions; and initiating a handover from the first radio access network to the second radio access network when the conditions are met by the second radio access network, but not met by the first radio access network. Information about service availability in the second radio access network are sent from the second radio access network to the radio transceiver device during establishment of a call.

Claim 39, upon which claims 40-43 are dependent, recites an apparatus, including a processor configured to detect a request for a specific service for the radio transceiver device, wherein the radio transceiver device is configured to operate with a first radio access network and a second radio access network and the radio transceiver device is attached to the first radio access network, and access information on conditions for the first and the second radio access networks to provide sufficient support for the specific service requested by the request for the specific service. The processor is also configured to analyze whether the first radio access network and the second radio access network meet the conditions, and initiate a handover from the first radio access network to the second radio access network when the respective conditions are met by the second radio access network, but not met by the first radio access network. Information about service

availability in the second radio access network are sent to the radio transceiver device upon establishment of a call.

Claims 44 and 46 recite a computer program claim and a means-plus-function claim which are comparable to method claim 22 and apparatus claim 39, respectively.

In accordance with the embodiments, some of the advantages provided in the configuration of the present claims include radio transceiver having information about service availability already beforehand. Thus, the radio transceiver (e.g., the UE or MS) knows already when requesting a service whether this service is available from the first network or the second network. That is, for example the steps of accessing information, analyzing which one of the two radio access networks meet the conditions and initiating the handover can be performed by the radio transceiver itself. That is, there is no need to ask an external element or the like for obtaining the information.

As will be discussed below, Lintulampi fails to disclose or suggest all of the elements of the claims, and therefore fails to provide the features discussed above. The rejection is respectfully traversed for at least the following reasons.

Lintulampi generally describes a method of operating a dual mode mobile phone. On page 2, Lintulampi describes that there are two networks. The first and second networks provide a first and second sets of services in a particular geographical area. Therefore, when a service of the first set is requested, the device is registered with the first network, and when a service of the second set but of the first set is requested, the device is registered with the second network. Lintulampi describes two different cases of

service requests in Figure 4 and Figure 5. Figure 4 describes the case that the GSM-network analyses available resources for the service requested by an MS.

In contrast thereto, according to the present invention as recited in independent claims 22, 39, 44, and 46, a handover is performed from the first network to the second network. In particular, Lintulampi fails to teach or suggest, at least, "initiating a handover from said first radio access network to said second radio access network when the conditions are met by the second radio access network, but not met by the first radio access network," as recited in independent claim 22 and similarly recited in independent claims 39, 44, and 46. This feature is not taught or suggested in Lintulampi because, in Lintulampi, the radio transceiver device may stay registered in the first network and make continued to use services that a supported by the first network. Moreover, a further difference to Lintulampi is that the radio transceiver device may already be registered to the second network, and it may be only the service that is handled over to the second network.

Lintulampi also describes two different cases of service requests by referring to Figure 4 and Figure 5. Figure 4 describes the case that the GSM-network analyses available resources for the service requested by an MS.

However, Lintulampi does not teach or suggest, at least, "analyzing whether said first radio access network and said second radio access network meet said conditions," as recited in independent claim 22 and similarly recited in independent claims 39, 44, and 46. This feature is not taught or suggested in Lintulampi because the GSM-network or a

first network, is performing the analysis, not the MS. The MS in Lintulampi does not teach or suggest performing an analysis of the GSM-network and a second radio access network to determine whether they meet conditions "to provide sufficient support for a specific service requested by said request for the specific service," as recited in independent claim 22 and similarly recited in independent claims 39, 44, and 46.

Furthermore, Figure 5 of Lintulampi describes another way how a service can be requested, which is not offered by the first network (here the GSM-network). In particular, as described on page 7 of Lintulampi with respect to eight main steps, in step 1 the application in the MS sense service request with quality of service parameter to the GSM-network. In step 2, the available radio resources are analyzed and in this example the service request is rejected due to a lack of resources. That is, the MS receives a corresponding message (see up-call (sessionRSV_error) in Figure 5). Then, in response to this message, the MS selects the UMTS-network (the second network). That is, Lintulampi teaches that the MS should try to obtain the requested service from that network to which the MS is attached. In contrast thereto, independent claim 22 and, similar other independent claims, recites, in part, "analyzing whether said first radio access network and said second radio access network meet said conditions; and initiating a handover from said first radio access network to said second radio access network when the conditions are met by the second radio access network, but not met by the first radio access network, wherein information about service availability in the second radio access network are sent from the network side to the radio transceiver device during

establishment of a call." According to the features recited in the independent claims, the radio transceiver device knows already beforehand which services are available by the networks, so that it can already decide on itself whether it should request the particular service from the second network. Hence, it is not necessary to send an unsuccessful request to the first network.

Furthermore, it is noted that Lintulampi describes on page 8, second paragraph, that in an alternative approach the MS can be configured such that it is able to determine when a requested service is not provided by the GSM-network. However, according to the features of the present independent claims, the radio transceiver device is explicitly provided with information about service about availability in the second radio access network. Thus, according to the subject-matter of the independent claims, it is surely known whether a requested service actually provided by the second radio access network, which is not possible with the configuration as described by Lintulampi.

On page 8, second paragraph, Lintulampi simply describes that the MS knows the service availability by the GSM-network (the first network). This means, the MS does not have any information regarding the second network so that, when the MS knows that a particular service is not provided by the first network, it again has to try whether the service is provided by the second network. This problem is overcome by the subject-matter of the present independent claims because, according to these claims, the radio transceiver device has all necessary information regarding the second radio access network available.

For at least the reasons discussed above, Applicant respectfully submits that the cited references fail to disclose or suggest all of the elements of the claimed invention. These distinctions are more than sufficient to render the claimed invention unanticipated. It is therefore respectfully requested that all of claims 22-33, 36, 37 and 39-46 be allowed, and this application passed to issue.

Claims 35, 47 and 48 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lintulampi. It is respectfully asserted that, for at least the reasons provided herein below, Lintulampi fails to teach or suggest the recitations of the pending claims. Reconsideration is requested.

The Office Action indicated that Lintulampi describes the features of the independent claims from which claims 35, 47, and 48 depend from, except for the particular features recited in claims 35, 47, and 48. To resolve the deficiencies of Lintulampi, the Office Action then referred to U.S. Patent No. 6,477,370 to Sigler et al. ("Sigler") to show that the features recited in claims 35, 47, and 48 are well known in the art. This rejection is respectfully traversed for at least the following reasons.

As done in the previous Response, Applicant respectfully points out that claim 35 has been cancelled, without prejudice or disclaimer. Therefore, the rejection to this claim should be rendered moot. Dependent claim 47 depends from independent claim 22 and dependent claim 48 depends from claim 39. The arguments presented above supporting

the patentability of independent claims 22 and 39 are incorporated herein.

Lintulampi is outlined above. Sigler describes a mobile communication system, a system for providing communication between multiple users in a closed user group arrangement includes, for example, first and second mobile earth terminals (METS) registering with the mobile system. (*see* Sigler at Abstract) The first MET selects a closed user group network identifier (NET ID) representing a NET group to establish voice communication therewith and transmits the NET ID to a controller. The controller receives the NET ID from the first MET, validates the first MET for communication, validates the NET ID, allocates a frequency for the NET group, and broadcasts the message to the NET group informing the NET group of the allocated frequency. The second MET tunes to the frequency in response to the message broadcast by the central controller. The GC sends this assignment SU three times as for Net Radio service on the GC-S channels required for the NET ID. In the event there are no NRC's available to handle the call, the GC sends a Call Failure Message with no resources as the cause indication to the requesting MET. (*see* Sigler at column 34, lines 12-15).

Applicants respectfully submit that claim 8 recites subject matter that is neither disclosed nor suggested in the combination of Lintulampi and Sigler. Claim 8 depend from, and further limit, claim 1. As discussed above, Lintulampi fails to disclose or suggest all of the features of claim 1. In addition, Sigler does not cure the deficiencies of Lintulampi, as Sigler fails to disclose or suggest, at least, "analyzing whether said first radio access network and said second radio access network meet said conditions; and

initiating a handover from said first radio access network to said second radio access network when the conditions are met by the second radio access network, but not met by the first radio access network, wherein information about service availability in the second radio access network are sent from the network side to the radio transceiver device during establishment of a call," as recited in independent claim 22 and similarly recited in independent claim 39. Accordingly, Applicants respectfully submit that the combination of Lintulampi and Sigler does not disclose or suggest all of the features of independent claims 22 and 39 and related dependent claims 47 and 48, respectfully, and respectfully request that this rejection be withdrawn.

In view of the foregoing, it is respectfully requested that claims 47 and 48 be allowed.

CONCLUSION:

In view of the above, Applicant respectfully submits that the claimed invention recites subject matter which is neither disclosed nor suggested in the cited prior art. Applicant further submits that the subject matter is more than sufficient to render the claimed invention unobvious to a person of skill in the art. Applicant therefore respectfully requests that each of claims 22-33, 36-37, and 39-48 be found allowable and this application passed to issue.

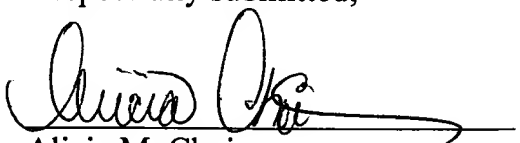
If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by

telephone, the Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the Applicant respectfully petitions for an appropriate extension of time.

Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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Enclosure: Petition for Extension of Time